THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9594 of 2006

09-05-2006

Between:-

L. Garikayya

Petitioner

And

The Station House Officer, G. Sigadam Police Station, G. Sigadam, Srikakulam district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

And

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9594 of 2006

Oral order: (Per: The Hon'ble Sri Justice Goda Raghuram)

This is a taken up writ petition on the basis of a telegram dated 28-04-2006 issued by the father of the alleged detenu to direct the respondents for production of his son viz., L. Jeevan Rao, who has been allegedly detained since eleven days and set him at liberty forthwith.

The S.I. of Police, Santhakaviti Police Station, Srikakulam district, who is also incharge Station House Officer of G. Singadam Police Station since 05-05-2006, has filed counter affidavit stating that during the course of investigation in connection with Cr. No. 21 of 2006, A.4 confessed that he along with Lopinti Jeevan Rao (Alleged detenu) and others committed theft of Kirloskar motor belonging to the complainant. The other accused in the crime were arrested on 03-05-2006 and produced before the Judicial Magistrate of First Class, Rajam and were remanded to judicial custody, whereas the alleged detenue who is stated to be A.7, is absconding since the date of commission of offence. It is further stated that the involvement of the alleged detenu (A.7 in the crime) came to light only on 03-05-2006 after arrest of A.4 and A.6 of the crime. As the alleged detenu is absconding, the police have no occasion to arrest him eleven days

prior to the date of issuance of telegram. On coming to know the arrest of A.1 to A.3, to pre-empt the police from further proceeding with the investigation, he got issued the telegram with false allegations. The counter reveals that the alleged detenu is involved in the crime and is at large.

In view of the averments in the counter, there is no case for proceeding further. The writ petition is accordingly dismissed. No costs.

_____

GODA RAGHURAM, J

_____

M. VENKATESWARA REDDY,J

Dated:09-05-2006

Pvks/*